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Fiftieth session

SUMMARY RECORD OF THE 540th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 7 October 1999, at 10 a.m.

Chairman: Mr. PÉREZ HERNÁNDEZ (Spain)

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The meeting was called to order at 10.15 a.m.

ANNUAL THEME: STRENGTHENING PARTNERSHIP TO ENSURE PROTECTION, ALSO IN RELATION TO SECURITY (agenda item 4) (continued) (A/AC.96/923)

1. Mr. ARABAEV (Observer for Kyrgyzstan), emphasizing the importance his Government attached to problems of forced migration, said that a document setting forth the main elements of Kyrgyzstan's migration policy had been approved during the current year and an independent State agency for migration and population had been set up to coordinate the migration activities of all Government departments and to develop constructive partnership with international and non-governmental organizations. The legal status of refugees and migrants had been further strengthened; the draft Refugees Act currently before Parliament was to be adopted before the end of the year; procedures for determining refugee status were being brought into line with international standards; and work on drafting a Migration Act had begun. Considerable attention was being paid to the creation of regional cooperation mechanisms and the development of effective partnerships with UNHCR, IOM and other international organizations.

2. The main problems pinpointed by his Government as requiring assistance from the international community included, first, voluntary repatriation of refugees as the preferred long-term solution. Over 2,500 Tajik refugees had already been repatriated from Kyrgyzstan and a further 200 to 300 were to be sent home before the end of the year; his Government hoped that the process would continue in 2000 with help from UNHCR. The second problem was that of integrating the 10,000 or so refugees from Tajikistan who, because they were ethnic Kyrgyzs, did not wish to return home. The integration approach to the problem of international protection of refugees, which enjoyed the personal support of the President of Kyrgyzstan, called for the implementation of a complex long-term programme that would include access to Kyrgyz citizenship and social welfare, as well as the refugees' psychological adaptation, with UNHCR acting as coordinator.

3. The third major problem his Government faced was the situation in the south of the country, where incursions by terrorist gangs supported by outside forces wishing to impose their extremist views on a country engaged in the construction of a secular democratic society had already resulted in the forced displacement of at least 5,000 people. The approaching winter would mean that additional tents, warm clothing, food and medicine would be required for existing and new refugees and displaced persons, including those fleeing from the continuing conflict in Afghanistan. The threat of religious extremism and terrorism being exported into the countries of Central Asia was also liable to lead to mass population displacements, creating a humanitarian crisis in the region with potential global consequences. His delegation therefore appealed to the international community for assistance in the implementation of its long-term programmes, including both preventive measures and financial, technical and humanitarian assistance, for the stabilization of the region. It was particularly desirable that OSCE should take a more active role in that process.

4. Fourthly, the situation in the countries of Central Asia called for the development of subregional cooperation and the establishment of appropriate

programmes and institutions. In that context, a permanent forum should be created to strengthen partnership between governmental, international and non-governmental organizations in the region, with UNHCR again acting as the principal coordinator. Fifthly, programmes of assistance to countries of asylum should include help in developing new migration services and training specialized personnel, inter alia, through regional institutions.

5. Mr. NAHAYO (Observer for Burundi), speaking on behalf of the African Group, said that most of the world's refugee-producing crises took place in Africa. OAU member States tried to do their humanitarian duty by sharing with millions of refugees and displaced persons resources that had been drastically cut from an already meagre level by "donor fatigue". OAU ministers at the Ministerial Meeting on Refugees, Returnees and Displaced Persons in Africa, held in Khartoum in December 1998, had urged the international community to contribute to national initiatives to ease the refugee situation in Africa.

6. The Kosovo crisis had clearly demonstrated that, given the political will and a partnership between national and international actors, even the greatest obstacles could be overcome. Why did that political will evaporate when it was a question of dealing with African refugees, whose situation was virtually identical to that of Kosovar refugees? There was no lack of political will in Africa. The problem was the lack of attention the international community paid to African leaders' own initiatives and the shortage of adequate resources to deal with refugee situations. UNHCR could and should help all refugee populations equally, wherever they were.

7. Africa also accepted responsibility, but it needed the support of the international community both to cope with emergencies and to establish peace and rebuild its war-ravaged countries.

8. Mr. AMAR (International Committee of the Red Cross) said that the current situation was catastrophic. While public opinion focused on the conflicts that were of political or media interest, equally tragic situations were being forgotten or ignored. ICRC's help was required as never before and around one third of its 60 operations were being conducted in conditions of open warfare, in many of which the most basic rules of protection were flouted. The international community's capacity to respond to such worrying situations depended on its ability to establish dialogue. In that regard, the forthcoming Conference of the Red Cross and Red Crescent offered a unique opportunity.

9. Protection involved activities to promote human rights, humanitarian law and refugee law, three complementary aspects of conflict prevention. The problem was not that the rules were no longer relevant, but that all the actors concerned had to apply them. In that regard, he referred to ICRC's "Voices of War" project, which had given tens of thousands of war victims worldwide the opportunity to speak out on their experience and on the rules of war. The study, once published, would be useful in assessing the validity of the rules of modern-day conflicts.

10. Partnership implied complementarity of action, which was not mere coordination, but dialogue based on respect for other mandates, cultures and approaches. It also required a willingness to eschew the competitiveness and

desire for visibility that still characterized many humanitarian interventions. That was all the more important as the humanitarian actors' independence was increasingly jeopardized by the confusion between military, political and humanitarian action.

11. In its pursuit of complementarity, ICRC was involved with various multilateral coordination mechanisms and in bilateral dialogues with United Nations bodies and agencies. The annual structured dialogue between senior staff of ICRC and UNHCR was a particularly valuable opportunity for sharing concerns over protection. ICRC also maintained excellent relations with OAU, an organization that was actively searching for solutions to the problems of Africa's internally displaced persons.

12. Ms. ABELA (Organization for Security and Cooperation in Europe) said that OSCE and UNHCR's Memorandum of Understanding, signed in October 1998, provided for cooperation, mutual reinforcement and coordination of labour, and for the improvement of existing mechanisms in areas such as humanitarian assistance and the prevention of mass displacement. UNHCR consulted regularly with the Chairman-in-Office of OSCE and attended OSCE heads of mission meetings. OSCE also had daily contact with UNHCR representatives in Vienna. The two organizations worked together in almost every country where OSCE had a field operation. At the institutional level, OSCE's Office for Democratic Institutions and Human Rights (ODIHR) had exchanged letters of understanding with UNHCR and the High Commission on National Minorities (HCNM) cooperated with UNHCR on issues of statelessness and citizenship. In the follow-up to the CIS Conference, UNHCR, IOM and OSCE, as well as NGOs, were assisting the Governments of the region to ensure progress.

13. In Bosnia and Herzegovina and Croatia, UNHCR and OSCE had cooperated in facilitating voluntary return, monitoring elections and promoting the participation of refugees in elections. In Georgia, the two organizations had worked together on the return of refugees and internally displaced persons, in the framework of the Joint Control Commission on Conflict Settlement in Georgia and South Ossetia (JCC).

14. OSCE cooperation with UNHCR in Kosovo had been characterized by rapid responses to a rapidly changing situation. The OSCE presence in Albania had helped UNHCR to set up an Emergency Management Group within the Prime Minister's office to oversee and facilitate national and international relief efforts and had supported UNHCR and the Albanian authorities in their refugee relief work, with the aid of about 70 members of the Kosovo Verification Mission (KVM). OSCE-KVM had provided added mobility and communications and logistical and ad hoc support. In the former Yugoslav Republic of Macedonia, too, KVM had assisted UNHCR with communications and OSCE personnel had helped with registration at the refugee camps. The OSCE missions in Kosovo were currently participating in a UNHCR-led task force on protection of minorities and coordination of field operations.

15. OSCE was beginning to develop a regional approach, a key aim of which was to find political solutions to the refugee situation. The plight of refugees was not bound by borders and OSCE intended to work across borders in the framework of the Stability Pact for south-eastern Europe, putting OSCE institutions, instruments and expertise at the disposal of regional

initiatives and of international organizations such as UNHCR. The success of the partnership between UNHCR and OSCE was due to their non-hierarchical, pragmatic approach to cooperation.

16. Mr. SCHATZER (International Organization for Migration) said that partnership could be based either on cooperation or on complementarity of mandates and competence. Under the CIS Programme of Action, for example, IOM had been involved in technical cooperation to develop Governments' institutional capacity to achieve durable solutions for population displacement problems, often as part of existing public service reform initiatives. Migration management programmes had been established in eight countries and the gap between legislation and implementation was narrowing.

17. The Kosovo crisis had tested the letter and spirit of the Memorandum of Understanding between UNHCR and IOM. The humanitarian evacuation programme was a model of burden-sharing and efficient performance: of the 90,000 refugees flown to safety in 29 countries, nearly 50,000 had been helped to return to Kosovo. The registration system referred to in document A/AC.96/923 (para. 24) had involved welcome cooperation with a private corporation, but there were limits to what new alliances could be set up under emergency conditions. The lesson to be drawn from the Kosovo experience would be analysed at the regular UNHCR/IOM consultation.

18. Strengthened inter-agency cooperation was necessary in order to provide the differentiated approaches needed for political refugees, economic migrants and victims of natural disasters. Movements of people were caused mainly by States' inability or unwillingness to protect segments of their own population. However, there was at the same time an increasing readiness to intervene on victims' behalf. The new partnerships that had arisen as a result entailed an understanding of partners' procedures, rules and thinking, as well as guarantees of the security and safety of humanitarian personnel.

19. Mr. SIBLOT (World Food Programme) said that development and relief were WFP's two main areas of partnership. WFP worked with both IFAD and FAO and its collaboration in the field with UNHCR and UNICEF had become a model of its kind. Wider collaboration was needed, however, as humanitarian and post-conflict intervention was conducted under tighter constraints and in greater danger. There was scope for closer work with the Red Cross movement and NGOs and IASC's potential had still not yet been fully realized.

20. For nearly 15 years, UNHCR and WFP had worked together under a dynamic Memorandum of Understanding that was constantly being revised in the light of experience and changing situations. Since 1998, for example, a tripartite agreement had been in operation between WFP, UNHCR and UNHCR's implementing partner to clarify food distribution modalities and reporting responsibilities. Such understanding on the division of labour in areas such as needs assessment, food mobilization and coordination, inter alia, was crucial for effective assistance, not only in highly publicized operations such as Kosovo and East Timor, but also in forgotten crises such as those in Angola, Burundi and Sierra Leone.

21. Access and security were of the utmost importance to WFP. They were interrelated: denial of access led to the erosion of respect for humanitarian

principles, which in turn led to deteriorating physical security for both the victims of conflicts and humanitarian staff. WFP had lost more colleagues and friends to violence worldwide than any other agency in recent years. It had taken strong measures internally and with key partners in the field, but none of that was sufficient without the active backing of the international community. The partnership of States and of regional organizations was essential.

22. Ms. SHARIPOVA (Observer for Tajikistan) said that, although the civil war in her country had at last ended, many of the problems it had created remained unresolved. Large numbers of Tajiks who had fled abroad had now returned home and needed housing. With the help of international organizations and especially UNHCR, her Government had been able to reconstruct a considerable number of dwellings, but there was still an acute need for hospitals and schools. Returnees had to be found jobs; many needed retraining; elderly people, women and children were particularly in need of protection.

23. The repatriation of Tajik citizens from Afghanistan had been completed in 1997 and the return home of internally displaced persons and Tajik citizens who had fled to Turkmenistan, Kyrgyzstan, Russia and other CIS countries was continuing. However, some refugees, having become fully integrated in the host country and in many cases having founded a family there, no longer wished to return home. While her Government had done everything in its power to encourage the return of Tajik citizens, it refused to take forcible repatriation measures of any kind. Regrettably, some host countries, including signatories of the 1951 Convention, were resorting to forcible expulsions of former Tajik refugees who were now classified as economic migrants. Following their forcible repatriation, such people often tried to return to the host country of their choice. If they were able to support themselves and their families, did not engage in vagrancy and committed no crimes, would it not be preferable to let them decide for themselves where they wanted to live rather than submit them to humiliating expulsion procedures? The strengthening of partnership relations with a view to achieving a qualitatively new level of protection of refugees and displaced persons was of particularly great importance in that connection.

24. Her country's difficult situation in the present period of post-war reconstruction was made worse by the presence of numerous asylum-seekers from Afghanistan and other countries. The refugees tended to settle in already overcrowded cities; resettling them in the countryside would mean building special camps, for which funds were lacking. Moreover, the absence of quarantine regulations created a serious risk of epidemics. Tajikstan could not resolve all those problems without help from the international community. In addition to the alarming events in Central Asia, the Northern Caucasus and Russia mentioned by the High Commissioner in her opening statement, the region was also threatened by ecological disasters that could entail further mass refugee movements. The development of regional cooperation in partnership with UNHCR and other international organizations was therefore of the essence.

25. Mr. de BOICE (United Nations Development Programme) said that a number of mechanisms had been established both within the United Nations system and between the United Nations and Member States to initiate, forge and guide the

type of partnerships being considered by the Executive Committee. Among them, special mention should be made of the Brookings initiative, the Inter-Agency Standing Committee (IASC) and the Reference Group on Post-Conflict Reintegration, which had been convened by UNDP and had recently produced a number of recommendations for synergistic links between relief and development through joint action among IASC partners. Other tools for action included the Executive Committees established by the Secretary-General under the programme for the reform of the United Nations, the United Nations Development Assistance Framework, the Common Country Assessment and the World Bank's Comprehensive Development Framework. Support and "friends of" groups initiated by member States were other important means of focusing partnerships on specific situations. UNDP was continuing to encourage the active involvement of bilateral and NGO partners in assessments and programme initiatives to help bring together the humanitarian and development arms of the international community in cohesive assistance strategies and promote the application of resources to support those strategies.

26. In its statement at the forty-ninth session of the Executive Committee, UNDP had described a number of activities it intended to implement as part of its partnership with UNHCR. Progress had been achieved in most of the areas mentioned and ongoing cooperative efforts were being maintained in a number of countries. During the Kosovo crisis, UNDP and UNHCR had adopted a Memorandum of Understanding defining their mutually complementary roles in bridging the gap between relief and development. It should be noted in that connection that the UNDP Representative had been appointed deputy to UNHCR's special envoy responsible for the Humanitarian Pillar of UNMIK. UNDP and UNHCR were strengthening their collaboration in West and East Africa and were also endeavouring to ensure that the principles of their agreement were implemented in the East Timor crisis.

27. Ms. AHLUWALIA (International Federation of Red Cross and Red Crescent Societies) said that her organization was pleased to be involved in a process of discussion with UNHCR with a view to establishing mechanisms for more structured and purposeful cooperation between them both at headquarters and at the field level. That process would, it hoped, effectively mobilize the efforts of the world's 176 national Red Cross and Red Crescent Societies in assisting refugees and other population groups in refugee-like situations. For 50 years and in more than 50 countries, the fact that the mandate of the International Federation and its member Societies was different from, while relevant to, that of UNHCR had served as an excellent basis for partnership and cooperation between the two organizations.

28. Some improvements in the existing system of cooperation could, however, be achieved. For example, it might be advisable for UNHCR not to use the terms "implementing" or "operational" when describing a national society, NGO or other partner. Such terms implied a hierarchical order which should not exist between partners and dropping them might make the real nature of the collaboration clearer to all parts of the organizations concerned. Secondly, framework agreements, operational sub-agreements and other agreements between UNHCR and its partners might in future contain a description not only of the mandate of UNHCR, but also of that of the partner, thus clarifying the respective goals pursued and the means used by each party to achieve them.

29. Referring to the increasing deterioration of the security environment of humanitarian operations, she noted that the skills required in relief personnel today were very different from those needed previously. Furthermore, the increasing use of military logistics, which might be helpful in the early stages of a major emergency, should be balanced against financial costs and the risk of confusion about the respective roles of political actors, military personnel and humanitarian organizations. Any real improvement in those areas would depend on the determination of both Governments and agencies and their political will to achieve greater clarity on how they wished to cooperate in the best interests of the victims of conflicts and natural disasters.

30. Mr. LEUS (World Health Organization) said that one of the main concerns of the reform of the World Health Organization had been to enable it to work more efficiently with a wider range of national and international partners. In that context, effective partnership with UNHCR was essential to ensure health security for all population groups affected by major emergencies, including refugees and displaced persons. While it appreciated the attention and emphasis UNHCR gave to protection in the physical integrity context, WHO was convinced that health security was an equally important concern.

31. The Memorandum of Understanding signed between UNHCR and WHO in 1997 had been put to the test over the past year in a number of field situations in the southern Balkans and, more recently, during the East Timor crisis. An informal inter-agency forum, the Inter-Agency Medical/Health Task Force, set up on the initiative of WHO was also a good example of inter-agency technical exchange on health matters for the benefit of affected populations. The continuous practice of collaboration in the health field was gradually laying the foundations for mutual trust, shared values and common interests, the best guarantees of close partnership in the future. The transition from relief to sustainable development, carried out in the closest possible partnership with national or local authorities, should be a common concern for all humanitarian partners.

32. Mr. REYES RODRIGUEZ (Colombia) said that the success of UNHCR's work depended on its cooperation with Governments, intergovernmental organizations and other entities and, accordingly, his Government had entered into a formal partnership with UNHCR to tackle the problem of internally displaced persons in Colombia. That agreement had been presented to the international community earlier in the year and had received widespread support and encouragement. UNHCR's presence in Colombia and its valuable work was a significant element in the Government's peace-building programme and its efforts to reduce the level of suffering and violence, which were reflected in its firm commitment to the protection and strengthening of human rights and international humanitarian law.

33. Mr. LUABA (Democratic Republic of the Congo) said that, owing to its position at the heart of Africa, the Democratic Republic of the Congo shared borders with a number of States ravaged by conflicts. Throughout its history, and in its recent history especially, it had experienced refugee influxes. The current war, which had been imposed on the Democratic Republic of the Congo, was intimately connected with the presence of certain refugee populations in its territory. Believing that peace was an indispensable

precondition for any solution to the country's problems, his Government had taken part in the Lusaka peace process and signed the resulting ceasefire agreement. The military and political agreement needed to be supplemented by a social and humanitarian understanding and an international conference on peace, security and development in Central Africa and the Great Lakes region should be convened.

34. The plight of internally displaced persons in the Democratic Republic of the Congo was a matter of serious concern to his Government. Many of them were in areas outside Government control; in the areas which it held, the Government was powerless to act owing to a lack of resources. His delegation appealed to the international community to help those people return to their homes and resume a normal, productive life. Moreover, many Congolese nationals had been deported by the occupying forces and had effectively disappeared without trace.

35. His Government was anxious to fulfil its obligations towards refugee populations, despite the war which it had been dragged into, and, consequently, in partnership with UNHCR, it had signed relevant tripartite agreements with the Republic of Congo and Angola. Moreover, in an effort to demonstrate its firm commitment to international humanitarian law, his Government was organizing a pan-African conference on the demobilization of child soldiers, scheduled for November 1999. It also intended to establish an autonomous national mechanism to process refugees and displaced persons and a commission to determine refugee status. The new administrative structures would act as a focal point for his Government's partnership with UNHCR, intergovernmental organizations, United Nations agencies, local communities and NGOs.

36. Given that the refugee problems of central Africa were a breeding ground for future conflicts, it was surprising that the international community had been so slow and reluctant to provide greater assistance to the region.

37. The CHAIRMAN, summing up the main points of the debate on the annual theme, said that the dramatic events of the past year had tested UNHCR to the limit and presented a number of new challenges. Members of the Executive Committee had sent a clear message of support for efforts to enhance the security of humanitarian workers. Two new developments had been the role of the military in humanitarian operations and the overcrowding of humanitarian space, especially in the aftermath of high-profile refugee crises. The overriding priorities which had emerged were the need to preserve intact the principle of asylum and the desirability of giving refugees choices concerning their future. Children had been singled out as a highly vulnerable category. The "ladder of options" concept had attracted considerable attention.

38. The Executive Committee had expressed its support for ongoing UNHCR reporting to the Security Council and had noted the importance of training as a vital element in the Office's work. The training of police for duties at refugee camps was especially important. NGOs had a vital role to play in humanitarian crises, but the most valuable type of partnership was the kind forged with refugee populations themselves. UNHCR's various initiatives such

as the "Reach Out" consultations, the "Brookings Process", specific regional initiatives and new contacts with NGOs and the private sector had been welcomed.

39. A number of delegations had alluded to the unevenness of the response to refugee crises in different parts of the world. Humanitarian efforts in Africa had attracted less attention and were commensurately underfunded. Furthermore, the allocation of resources to more recent crises should not be to the detriment of humanitarian work in Africa. Similarly, the theme for the current session had developed logically out of the previous year's theme, namely, international solidarity and burden-sharing, but many aspects of the former theme had still not been addressed. The Lomé and Lusaka peace processes and the recent summit of the Organization of African Unity (OAU) in Algiers had clearly demonstrated Africa's desire for peace. Further attention should also be paid to the sometimes disastrous impact of refugee influxes on the environment and infrastructures of host countries.

40. The most obvious benefits of partnership were enhanced efficiency, the pooling of talent and the opportunity to try out innovative approaches. Regional approaches to population displacement which harnessed the expertise and resourcefulness of civil society and NGOs were a particularly fertile source of new ideas. Humanitarian efforts needed to be effective, timely and flexible. Awareness-raising campaigns were also essential for generating additional resources.

41. Successful partnerships, it had been pointed out, were based on mutual trust and respect. They had a clearly stated purpose and gave due credit to the contribution of each participant. They needed to be transparent and have focal points to promote flexibility and self-evaluation. At the same time, it was important to guard against competition and rivalry between humanitarian actors, particularly in high-profile crises. Any military involvement had to be impartial. Early-warning systems to prevent population displacements before they occurred, efforts to mitigate the impact of refugees on local communities and local environments, the need to preserve the civilian nature of refugee camps and better registration of refugees were additional issues that had been explored.

42. Areas of follow-up included continuing support for States in fulfilling their responsibilities towards refugees, the role of the military in logistical operations, the further development of the "Brookings Process", the best use of comparative advantages while avoiding duplication, and the extent to which NGOs and civil society could be included in dialogue between UNHCR and Governments.

REPORTS ON THE WORK OF THE STANDING COMMITTEE (agenda item 5)

(a) INTERNATIONAL PROTECTION (A/AC.96/914)

43. Mrs. FELLER (Director, Department of International Protection), referring to the Note on International Protection (A/AC.96/914) said that appalling acts of violence, population expulsions, atrocities and seemingly interminable cycles of violence, disruption and suffering had been witnessed in several regions of the world in 1999. All the same, many States, including

those with limited resources and competing internal demands, had continued to honour their humanitarian obligations to refugees with compassion and generosity. Manifestations of solidarity and burden-sharing had sent out an important message about the capabilities of the international community. Those developments could, however, not offset the fact that systematic violations of human rights and blatant disregard of humanitarian law in conflicts had caused significant displacement both internally and across borders. The civilian character of refugee camps continued to be compromised and the vulnerability of women and children to abuse remained too often unaddressed.

44. Restrictive asylum policies were spreading, as some States increasingly insisted on their prerogative to offer asylum on their own terms, which might not be in accordance with the principles of international law. Those approaches exported well and were being replicated in regions where laws and structures were only beginning to be put in place. Subsidiary forms of protection, with less binding obligations attached, were becoming popular alternatives to the 1951 Convention.

45. UNHCR's responsibility under its obligatory mandate was to ensure the protection of refugees and work with States to find solutions to their problems. It was often claimed that that obligatory aspect of UNHCR's mandate was what gave the Office its distinctiveness within the United Nations system.

46. In recent years, UNHCR had had to contend with a refugee problem of broadening scope and deepening complexity which had close links with a number of other issues and a direct impact on national, regional and even global stability and which was therefore finding its way onto the international agenda for peace and security.

47. That environment was an obstacle to the international community's efforts to tackle refugee problems in a proper and principled manner, as were the perceived or real costs of asylum, since States asserted that options were limited by the economic burden of offering asylum. While the genuineness of those concerns was understood, responsibilities as well as interests were at stake. Finding an accommodation between internationally accorded rights, humanitarian needs and legitimate State interests would be the overarching theme of UNHCR's protection activities in the forthcoming period.

48. African countries, where the majority of the world's refugees were to be found, had a long-standing tradition of granting asylum liberally to those fleeing persecution and conflict. It was worrying that, 30 years after the signature of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the institution of asylum was coming under increasing pressure and that, in many countries on the continent, the quality of asylum had deteriorated or was seriously threatened. In Africa, UNHCR's protection activities were focusing on the protection of basic rights and expanding possibilities for solutions and for making them more durable. The receptivity of certain countries to seeing themselves as countries of resettlement was a positive sign, but the perception, in some States, that irregular migration was a growing threat was a relatively new problem which might lead to a spread of restrictive practices designed to abridge the rights of refugees and asylum-seekers.

49. Europe was a continent composed of several regions, each of which posed very different challenges. Some were operational and involved large-scale displacements, where the protection issues ranged from ensuring security in volatile environments to the delivery of assistance and facilitating return programmes. While European countries had traditionally been among the strongest supporters of the protection regime, concerns over irregular migration, trafficking, abuse of asylum procedures and the rising costs of refugee support, combined with declining public readiness to receive refugees, had led more and more western European States to embark on a redefinition of the legal framework of refugee protection. Asylum as a distinctive concept was at risk of being submerged in the general debate on migration, at the very time when a number of States in other parts of Europe were adopting new refugee legislation and looking for appropriate models. There was a need to ensure that new asylum-related concepts found their rightful place in the future asylum system. The comprehensiveness of the new asylum and migration strategy being developed for a single Europe was welcome, but a protection-based approach to asylum should be secured as an integral element.

50. In the Latin American region, the asylum tradition was deeply ingrained in the culture of countries. UNHCR was nevertheless concerned about the worsening conflict and its dramatic humanitarian consequences in one country. With the consolidation of peace in most of the continent, UNHCR was actively seeking to ensure that the distinctive needs of refugees and asylum-seekers were adequately addressed in policies on migration and human rights, the overall goal being to build sustainable forms of protection and durable solutions. A top priority was the strengthening of the legal and institutional framework for refugee protection in partnerships with a variety of actors.

51. Some of the largest refugee populations in the world continued to be very generously hosted by countries in Central Asia and the Middle East. The repatriation of refugees and return of internally displaced persons were therefore the focus of a number of UNHCR programmes. The promotion of accessions to international conventions, training programmes and technical assistance with the drafting of laws and the setting up of administrative structures were all basic activities in that regard.

52. In Asia, where the crisis in East Timor had provoked displacement, the precarious situation of the victims called for immediate action by UNHCR. The region was generally characterized by generosity towards refugees, but many countries lacked laws formally to underpin the national protection of refugee rights. The advocacy of basic legal frameworks for refugees was a special challenge to the Office and her Department was therefore working to promote a universalist approach to the definition of a refugee, although fears about irregular, non-refugee migration had become an understandable, but complicating factor.

53. The most important overall challenges facing UNHCR were asylum fatigue, finding a means to revitalize the existing protection system, the move towards the regionalization of approaches and the imperative of revitalizing old partnerships and building new ones to support the international refugee protection system.

54. The 1951 Convention and 1967 Protocol had been landmarks in the setting of standards for the treatment of refugees. Together, they incorporated the fundamental concepts of the refugee protection regime which were as relevant now as they had ever been. There were 138 States parties to either the 1951 Convention and/or its 1967 Protocol and UNHCR had been heartened by the positive response to its campaign to promote accessions.

55. UNHCR believed that a more flexible and principled application of existing instruments would go a long way to bridge any gaps in the protection system because failure to apply properly existing basic treaty obligations should not be confused with perceived defects in the instruments themselves, which were, admittedly, not perfect. The Convention contained no provisions on procedures to determine refugee status, family reunification or the particular needs of refugee women and children. It was silent on gender-based crimes, which were, however, as persecutory as any others.

56. A more flexible interpretation of the Convention would help to bridge gaps, but would not close all of them. The presence of lacunae provided States and UNHCR with opportunities to work together progressively to develop principles of refugee law and adapt them to international situations. That process had become more contentious over the years, with the result that, in 1999, only one useful conclusion dealing with the protection of the refugee family had been reached. It was important that opportunities for progressive development should be grasped, in accordance with the humanitarian spirit of the 1951 Convention.

57. The innovative features of the concept of partnership that UNHCR was promoting through the Reach-Out process were that: the international refugee protection system depended on coalitions of like-minded actors; humanitarian NGOs had a role to play in those coalitions; those roles were not limited to advocacy or mobilization of public opinion, but extended across the full range of protection activities; and the public and the private sectors both had a role and responsibilities with respect to protection. Reach-Out was about propagating that message and translating it into operationally focused partnerships for protection.

58. A partnership between corporate interest and refugee protection was not self-evident. Nevertheless, there had been a great increase in "corporate social responsibility" and some representatives of the corporate sector were establishing partnerships with United Nations agencies and the non-governmental community, particularly in the fields of development and the environment. It was to be hoped that the Reach-Out process would help to expand constructive partnerships with that sector of society.

59. Her department had been heartened by the keen interest in protection issues expressed by a number of delegations and had taken note of their concerns. It looked forward to constructive discussions on those and other matters in the months to come.

60. Mrs. BETANCOURT (Venezuela) said that the protection of persons in need was essential in all parts of the world. The international protection of the human being involved not only repatriation, but also the long-term accommodation of refugees in camps and hence the protection of both refugees

and humanitarian personnel. Governments were primarily responsible for that protection in accordance with the relevant legal instruments, but the burden should be shared by the entire international community.

61. Venezuela was fully aware of its obligations with regard to human rights and under international humanitarian law and refugee law and had always fulfilled them. At the same time, it held that a balance must be struck between compliance with international commitments and respect for national interests.

62. The Government had cooperated with UNHCR to study ways of offering adequate protection to displaced persons from other countries who had entered Venezuelan territory temporarily. In some situations, solutions had to be sought through bilateral negotiations between the country of origin and the host country, but that would not hamper cooperation with UNHCR or the participation of civil society and the Church.

63. In the light of Venezuela's recent experiences with temporary protection for displaced persons, due consideration had to be given to the relocation principle. While her Government was of the opinion that persons fleeing violence had to be given protection, that protection did not necessarily have to be limited to asylum, but could also take the form of relocation in the country of origin in areas where those persons would not be in danger. In such cases, the country of origin or of nationality was primarily responsible for protection, although the temporary host country should make sure that people were returning voluntarily.

64. Mr. SKÖGMO (Norway) said that his country welcomed the High Commissioner's commitment to refugees in all parts of the world, and not just to those who happened to be in the focus of the media, and supported her efforts to promote the 1951 Convention and the 1967 Protocol, the primary instruments for the protection of refugees. Outside the core group of refugees covered by the Convention, there might be others in need of protection and, thus, while existing instruments had to be uniformly applied, mechanisms such as temporary protection regimes constituted an important supplement, but not an alternative to the traditional institution of asylum. At the same time, it was important to adhere to the principle of non-refoulement. His country shared UNHCR's concern about serious breaches of refugee and international humanitarian law.

65. Norway had recently reviewed some aspects of its asylum procedure and therefore wished to stress the need to provide persons exposed to gender-related persecution with international protection. Nevertheless, abuse of asylum procedures might well make it more difficult for refugees to obtain asylum. A related problem was the return of those not in need of international protection. People had a right to return home and States had an obligation to readmit them.

66. His delegation took note with satisfaction of UNHCR's continuing focus on groups with special protection needs - women, children and young persons - and endorsed the message of the Executive Director of UNICEF that the Convention on the Rights of the Child should form the basis for further work.

67. In order to protect the internally displaced, respect for international humanitarian law and human rights had to be ensured. To that end, close partnership between UNHCR, ICRC and other United Nations agencies was necessary. His delegation supported UNHCR's views on family issues and the detention of asylum-seekers. Lastly, resettlement was an important part of protection work and an element of burden-sharing, but it should be resorted to only when all other possibilities had been exhausted. UNHCR was to be commended for its efforts to establish a broader base of resettlement countries.

The meeting rose at 1.10 p.m.